IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.24 OF 2006

Dr.Kum.Deepa Bapusaheb Bhosale ...Applicant

Versus

Shri.Sanjay Bajarang Lokre ...Respondent

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Mr.A.P.Vanarse for Applicant.

Mr.Chetan Akerkar for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2006.

P.C.

1. Heard Counsel for the parties. Perused the relevant pleadings on record.

2. In my opinion, having regard to the facts and circumstances of the present case, the Application should succeed in terms of prayer clause (b). Counsel for the Respondent , however, contends that the Respondent had filed matrimonial Petition for restitution of conjugal rights in

prior point of time. In the first place, the difference between the institution of two proceedings is only of one day, for, the Respondent filed matrimonial Petition No.21 of 2005 on 3rd March 2005 whereas, the Applicant filed Marriage Petition No.96 of 2005 in Kolhapur Court on 4th March 2005 for divorce.

3. Be that as it may, the Applicant is presently employed as Tahsildar at Kolhapur. Because of her nature of work, it will not be possible and practicable for her to take leave from the Office intermittently to attend the proceedings in the Court at Alibag. Moreover, there is additional reason on the record. The Applicant has alleged that the Respondent performed the marriage by applying force and against the wishes of the Applicant. The Applicant has expressed concern about the conduct of the Respondent in the past. In any case, as the Respondent will have to attend to proceedings taken out by the Applicant at Kolhapur, it will make no difference to the Respondent to visit Kolhapur to attend even the present proceedings, if transferred.

4. Counsel for the Respondent submits that the Respondent is operating jeep himself and would suffer loss of income on account of attending court proceedings at Kolhapur. This apprehension of the Respondent can be assuaged by directing the Court at Kolhapur to proceed with the case on day-to-day basis and dispose of both the cases, the one already pending and the transferred case expeditiously. The evidence in both the cases will be overlapping and common.

5. In the circumstances, the Application is allowed in terms of prayer clause (b) with direction to the Civil Judge, Senior Division, Kolhapur to expeditiously decide both the Petitions by clubbing the matters and proceed with the hearing on day-to-day basis. The Trial Court shall ensure that the Petitions are finally disposed of not later than end of August 2006. The Applicant through her Counsel assures that the Applicant will not seek any adjournment on any count in the matrimonial proceedings. That assurance is

accepted. I am informed that the next date of hearing of matrimonial Petition pending at Kolhapur

is fixed as 27th March 2006. Both parties will appear before that Court on that date.

6. Office to ensure that writ of this order is communicated to the concerned Court forthwith for appropriate steps, so that, both the Petitions can proceed before the Court at Kolhapur on 27th March 2006.

A.M.KHANWILKAR, J.